HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P. NO. 30235 of 1997

DATED: 03-04-2007

Between:-

P. Ammulu w/o late P.S. Niranjan Babu, Hindu, aged 25 years, R/o Kavurivari Palle, Urgrana Palle Post, Penumur Mandal, Chittoor District.

...PETITIONER

AND

The Managing Director, A.P. Scheduled Castes Co-Op. Finance Corporation, Masabtank, Hyderabad and two others.

...RESPONDENTS

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P. NO. 30235 of 1997

O R D E R

The petitioner herein, the widow of late Sri P.S.Niranjan Babu, claims absorption into service on compassionate grounds. Sri P.S. Niranjan Babu, a Technical Work Inspector in the respondent-corporation, died while in service on 07-03-1993. The petitioner, his widow, along with their two daughters are his legal heirs. The petitioner is said to have made an application to the second respondent to consider her case for providing employment on compassionate grounds in accordance with G.O.Ms.No. 687, G.A.D., dated 03-10-1977, and that the second respondent issued proceedings dated 21-04-1993 requesting the Executive Director to take necessary action to provide suitable appointment to the petitioner herein in accordance with the guidelines issued by the government for appointment on compassionate grounds, as applicable to the District Scheduled Caste Co-operative Society Limited. Thereafter, instead of being appointed on a regular basis, the petitioner was appointed on daily wages vide proceedings dated 05-08-1993.

Petitioner would contend that she has studied upto S.S.C and

since five posts of attenders were vacant in the Corporation, she is eligible for being appointed in one of these posts.

In their counter affidavit the respondent-corporation would refer to G.O. Ms. No. 212, Finance & Planning (F.W.PC.III) Department, dated 22-04-1994 to contend that it is only those employees to fulfill the conditions prescribed therein who were entitled for regularization of their services. It is stated that since the petitioner was over and above the staffing pattern, her services were no longer required and, therefore, she is not entitled for regularization of her services.

It is necessary to note that the respondents do not deny the fact that G.O.Ms.No. 687, G.A.D. dated 03-10-1977, and other G.Os relating to compassionate appointment, are not applicable to their society nor have they denied the specific contention of the petitioner that five posts of attenders are vacant. The petitioner sought for being appointed on compassionate grounds immediately after the death of her husband on 07-03-1993 and the District Collector, who is the Chairman of the District Scheduled Castes Co-operative Society Limited, vide letter dated 21-04-1993, directed the Executive Director to take immediate action to provide suitable appointment to her in accordance with the guidelines issued by the Government in this regard. The respondents were not justified in appointing the petitioner on daily wages on compassionate grounds when the entire purpose of providing compassionate appointment is to render immediate financial

assistance to the family in distress. G.O.Ms.No. 212, Finance & Planning (F.W.PC.III) Department, dated 22-04-1994, which relates to regularization of services on daily rated employees, has no application to appointment on compassionate grounds. Reliance placed thereupon by the respondents is of no avail. There shall be a direction, therefore, to the respondents to consider the case of the petitioner for being regularly appointed as an attender on compassionate grounds instead of on daily wages provided, of course, she satisfies the conditions prescribed for such appointment. The entire exercise in this regard shall be completed within a period of three months from the date of receipt of a copy of this order. The writ petition is, accordingly, allowed. However, in the circumstances, without costs.

_____

RAMESH RANGANATHAN,J

Dated: 03-04-2007
vp